IC 31-40-2
Chapter 2. Probation User's Fee; County Supplemental Juvenile Probation Services Fund

IC 31-40-2-1
Probation user's fees; administrative fee; administrative costs; transfer of three percent of probation user's fee; collection of administrative fee; payment by credit card; credit card security
Sec. 1. (a) Subject to IC 31-40-1-3, a juvenile court may order each delinquent child who receives supervision under IC 31-37-19 or the child's parent, guardian, or custodian to pay to either the probation department or the clerk of the court:
(1) an initial probation user's fee of at least twenty-five dollars ($25) but not more than one hundred dollars ($100);
(2) a probation user's fee of at least ten dollars ($10) but not more than twenty-five dollars ($25) for each month the child receives supervision; and
(3) an administrative fee of one hundred dollars ($100) if the delinquent child is supervised by a juvenile probation officer.
(b) If a clerk of a court collects a probation user's fee, the clerk:
(1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and
(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), transfer not more than three percent (3%) of the fee to the:
(A) county auditor who shall deposit the money transferred under this subdivision into the county general fund;
(B) city general fund when requested by the city fiscal officer; or
(C) town general fund when requested by the town fiscal officer.
(c) The probation department or clerk shall collect the administrative fee under subsection (a)(3) before collecting any other fee under subsection (a). The probation department or the clerk shall deposit the probation user's fees and the administrative fees paid under subsection (a) into the county supplemental juvenile probation services fund.
(d) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.
(e) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit

card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (a).

(f) The probation department shall deposit the credit card service fees collected under subsection (e) into the county supplemental juvenile probation services fund. These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.
As added by P.L.1-1997, SEC.23. Amended by P.L.277-2003, SEC.5; P.L.98-2004, SEC.116.

IC 31-40-2-1.5
Increased probation user's fee
Sec. 1.5. Notwithstanding the probation user's fee amounts established under section 1 of this chapter, a court may order a person to pay a probation user's fee that exceeds the maximum amount allowed under section 1 of this chapter if:

(1) the person was placed on probation in another state and moved or was transferred to Indiana;

(2) the other state allows a higher probation user's fee than the maximum amount allowed under section 1 of this chapter; and

(3) the probation user's fee the court orders the person to pay does not exceed the maximum amount allowed in the other state.
As added by P.L.277-2003, SEC.6.

IC 31-40-2-1.7
Early payment of probation user's fee; recalculation of probation user's fee; discharge; multiple fees; wage garnishment; withholding driving privileges
Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

   (B) may be perfected;
   (C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and
   (D) expires;
  in the same manner as a judgment lien created in a civil proceeding;
  (2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and
  (3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.
 (d) A delinquent child placed on probation for more than one (1) delinquent act:
  (1) may be required to pay more than one (1) initial probation user's fee; and
  (2) may not be required to pay more than one (1) monthly probation user's fee per month;
to either the probation department or the clerk of the court.
 (e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.
 (f) If:
  (1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and
  (2) the person's driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;
the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.
As added by P.L.2-2005, SEC.82.

IC 31-40-2-2
Appropriations; restrictions on use of county supplemental juvenile probation services
 Sec. 2. (a) The fiscal body of the county shall appropriate money from the county supplemental juvenile probation services fund:
  (1) to the juvenile courts of the county for the use by the courts in supplementing probation services to juveniles; and
  (2) to supplement the salaries of juvenile probation officers in accordance with the salary schedule set by the county fiscal body under IC 36-2-16.5.
 (b) Money in the county supplemental juvenile probation services fund may be used only for supplementing probation services and to supplement the salaries of probation officers in accordance with IC 31-31-5.
As added by P.L.1-1997, SEC.23. Amended by P.L.277-2003, SEC.7.

IC 31-40-2-3
County supplemental juvenile probation services fund; disposition

of unused money

Sec. 3. Money remaining in the county supplemental juvenile probation services fund at the end of the county's fiscal year does not revert to any other fund but continues in the county supplemental juvenile probation services fund.
As added by P.L.1-1997, SEC.23.

IC 31-40-2-4
County supplemental juvenile probation services fund; restrictions on use of fund

Sec. 4. The county supplemental juvenile probation services fund may not be used to replace other funding or probation services.
As added by P.L.1-1997, SEC.23.